

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

MICHAEL CHARLES BUSCH §
VS. § CIVIL ACTION NO. 1:04cv619
DAVID A. DOUGHTY, ET AL §

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Michael Charles Busch, proceeding *pro se*, brought this civil rights lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this lawsuit. The magistrate judge recommends that all claims, other than the claim of excessive use of force against defendant Ashley be dismissed as frivolous and for failure to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate

judge is **ADOPTED**. All claims, other than the excessive use of force claim against defendant Ashley are **DISMISSED** with prejudice as frivolous and for failure to state a claim upon which relief may be granted. All defendants other than defendant Ashley are **DISMISSED** from this lawsuit.

So **ORDERED** and **SIGNED** this **21** day of **November, 2005**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge